

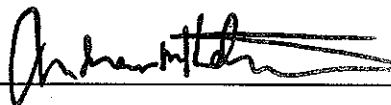
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Chapter No. 486
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HOUSE BILL NO. 989

Originated in House



Clerk

HOUSE BILL NO. 989

AN ACT TO CREATE THE MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT FOR THE PURPOSE OF IMPROVING CERTAIN FAILING PUBLIC SCHOOLS THROUGHOUT THE STATE; TO PROVIDE THAT THE MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT SHALL BE A STATEWIDE DISTRICT COMPRISED OF ALL PUBLIC SCHOOLS THAT HAVE BEEN ASSIGNED AN "F" OR CHRONICALLY UNDERPERFORMING RATING UNDER THE STATE ACCOUNTABILITY SYSTEM FOR TWO CONSECUTIVE SCHOOL YEARS; TO REQUIRE THE STATE BOARD OF EDUCATION TO OBTAIN OFFICE SPACE FOR THE DISTRICT AND TO APPOINT A HIGHLY QUALIFIED INDIVIDUAL TO SERVE AS SCHOOL DISTRICT SUPERINTENDENT; TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT RULES AND REGULATIONS GOVERNING THE TRANSFER OF SCHOOLS OR DISTRICTS FROM THE LOCAL SCHOOL DISTRICT TO THE ACHIEVEMENT SCHOOL DISTRICT; TO SPECIFY THAT SCHOOLS ASSIGNED AN "F" DESIGNATION FOR THE SECOND CONSECUTIVE YEAR IN THE 2017-2018 SCHOOL YEAR MUST BE ABSORBED IMMEDIATELY BY THE ACHIEVEMENT SCHOOL DISTRICT UNLESS THE ACHIEVEMENT SCHOOL DISTRICT DETERMINES THAT A GRADUAL TRANSFER OF CONTROL, COMPLETE BEFORE THE 2017-2018 SCHOOL YEAR BEGINS, IS IN THE SCHOOL'S/DISTRICT'S BEST INTEREST; TO REQUIRE SCHOOL DISTRICTS FROM WHICH SCHOOLS OR DISTRICTS ARE BEING ABSORBED TO COOPERATE WITH THE MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT AND THE STATE BOARD OF EDUCATION IN THE SCHOOL'S TRANSFER; TO PROVIDE FOR THE SUBSEQUENT RETURN OF A SCHOOL OR DISTRICT TO LOCAL SCHOOL DISTRICT CONTROL BY THE MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT SUBJECT TO CERTAIN CONDITIONS BEING MET; TO REQUIRE THE SUPERINTENDENT OF THE MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT TO RECOMMEND HIGHLY QUALIFIED PERSONS FOR EMPLOYMENT AT A SCHOOL AND TO AUTHORIZE THE CONTINUED EMPLOYMENT, IN THE STATE BOARD OF EDUCATION'S DISCRETION, OF PERSONNEL EMPLOYED AT A SCHOOL THAT IS BEING ABSORBED; TO AUTHORIZE THE MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT TO USE THE PERSONAL AND REAL PROPERTY OF A SCHOOL OR DISTRICT THAT

IS ABSORBED, SUBJECT TO RULES AND REGULATIONS ADOPTED BY THE STATE BOARD OF EDUCATION; TO PROVIDE FOR STATE AND LOCAL FUNDING OF SCHOOLS IN THE MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) There is created the Mississippi Achievement School District for the purpose of transforming persistently failing public schools and districts throughout the state into quality educational institutions. The Mississippi Achievement School District shall be a statewide school district, separate and distinct from all other school districts but not confined to any specified geographic boundaries, and may be comprised of any public schools or school districts in the state which, during two (2) consecutive school years, are designated an "F" school or district by the State Board of Education under the accountability rating system or which have been persistently failing and chronically underperforming.

(2) The Mississippi Achievement School District shall be governed by the State Board of Education.

(3) The State Board of Education shall obtain suitable office space to serve as the administrative office of the school district.

(4) The State Board of Education shall select an individual to serve as superintendent of the Mississippi Achievement School District. The superintendent must be deemed by the board to be highly qualified with a demonstrable track record for producing results in a context relevant to that of Achievement School

District schools. The superintendent of the Mississippi Achievement School District shall exercise powers and duties that would afford significant autonomy but are bound by the governance of the State Board of Education.

(5) (a) Each public school or district in the state which, during each of two (2) consecutive school years or during two (2) of three (3) consecutive years, receives an "F" designation by the State Board of Education under the accountability rating system or has been persistently failing as defined by the State Board of Education may be absorbed into and become a part of the Mississippi Achievement School District. All eligible public schools and districts shall be prioritized by the Achievement School District according to criteria set by the Achievement School District and publicized prior to the annual release of accountability rating data. The Achievement School District shall takeover only the number of schools and districts for which it has the capacity to serve. The transfer of the school's/district's governance from the local school district to the Mississippi Achievement School District shall take effect upon the approval of the State Board of Education unless, in the sole determination of the Mississippi Achievement School District, the transition may be more smoothly accomplished through a gradual transfer of control. If the Mississippi Achievement School District elects not to assume complete control of a school or district immediately after that school receives an "F" designation during each of two (2)

consecutive school years or during two (2) of the three (3) consecutive school years, the State Board of Education shall prescribe the process and timetable by which the school or district shall be absorbed; however, in no event may the transfer of the school or district to the Mississippi Achievement School District be completed later than the beginning of the school year next succeeding the year during which the school or district receives the "F" designation.

(b) The State Board of Education shall adopt rules and regulations governing the operation of the Mississippi Achievement School District.

(c) Designations assigned to schools or districts under the accountability rating system by the State Board of Education before the 2015-2016 school year may not be considered in determining whether a particular school or district is subject to being absorbed by the Mississippi Achievement School District. During the 2017-2018 school year, any school or district receiving an "F" designation after also being designated an "F" school or district in the 2015-2016 and 2016-2017 school years may be absorbed immediately by the Mississippi Achievement School District, upon approval of the State Board of Education.

(d) The school district from which an "F" school or district is being absorbed must cooperate fully with the Mississippi Achievement School District and the State Board of Education in order to provide as smooth a transition as possible

in the school's/district's governance and operations for the students enrolled in the school or district. Upon completion of the transfer of a school or district to the Mississippi Achievement School District, the school or district shall be governed by the rules, regulations, policies and procedures established by the State Board of Education specifically for the Achievement School District, and the school or district shall no longer be under the purview of the school board of the local school district.

(e) Upon the transfer of the school or school district to the Mississippi Achievement School District, the individual appointed by the State Board of Education to serve as superintendent for the Mississippi Achievement School District shall be responsible for the administration, management and operation of the school or school district, including the following activities: (i) approving or denying all financial obligations of the school or school district; (ii) approving or denying the employment, termination, nonrenewal and reassignment of all licensed and nonlicensed personnel; (iii) approving or denying contractual agreements and purchase orders; (iv) approving or denying all claim dockets and the issuance of checks; (v) supervising the day-to-day activities of the school or school district's staff in a manner which in the determination of the Mississippi Achievement School District will best suit the needs of the school or school district; (vi) approving or denying all

athletic, band and other extracurricular activities and any matters related to those activities; (vii) honoring any reasonable financial commitment of the district being absorbed; and (viii) reporting periodically to the State Board of Education on the progress or lack of progress being made in the school or school district to improve the school or school district's impairments.

(f) Upon attaining and maintaining a school or district accountability rating of "C" or better under the State Department of Education's accountability rating system for five (5) consecutive years, the State Board of Education may decide to revert the absorbed school or district back to local governance, provided the school or school(s) in question are not conversion charter schools. "Local governance" may include a traditional school board model of governance or other new form of governance such as mayoral control, or other type of governance. The State Board of Education shall determine the best form of local governance and school board composition after soliciting the input of local citizens and shall outline a process for establishing the type of governance selected. The manner and timeline for reverting a school or district back to local control shall be at the discretion of the State School Board, but in no case shall it exceed five (5) years.

(6) The Superintendent of the Mississippi Achievement School District shall hire those persons to be employed as principals, teachers and noninstructional personnel in schools or districts

absorbed into the Mississippi Achievement School District. Only highly qualified individuals having a demonstrable record of success may be selected by the superintendent for such positions in the Mississippi Achievement School District. The Superintendent may choose to continue the employment of any person employed in an "F" rated school when the school or district is absorbed into the Mississippi Achievement School District; alternatively, the superintendent may elect not to offer continued employment to a person formerly employed at a school or district that is absorbed into the Mississippi Achievement School District. Any persons employed by the Achievement School District shall not be subject to Sections 37-9-101 through 37-9-113.

(7) (a) The Mississippi Achievement School District may use a school building and all facilities and property that is a part of a school and recognized as part of the facilities or assets of the school before it is absorbed into the Mississippi Achievement School District. In addition, the Mississippi Achievement School District shall have access to those additional facilities that typically were available to that school or district, its students, faculty and staff before its absorption by the Mississippi Achievement School District. Use of facilities by a school or district in the Mississippi Achievement School District must be unrestricted and free of charge. However, the Mississippi Achievement School District shall be responsible for providing routine maintenance and repairs necessary to maintain the

facilities in as good a condition as when the right of use was acquired by the Mississippi Achievement School District. The Mississippi Achievement School District shall be responsible for paying all utilities at the facilities used for the absorbed school. Any fixtures, improvements and tangible assets added to a school building or facility by the Mississippi Achievement School District must remain at the school or district building or facility if the school or district is returned to local governance.

(b) The State Board of Education shall include in the rules and regulations adopted pursuant to subsection (5) of this section specific provisions addressing the rights and responsibilities of the Mississippi Achievement School District relating to the real and personal property of a school or district that is absorbed into the Mississippi Achievement School District.

(8) (a) The Mississippi Achievement School District shall certify annually to the State Board of Education in which a Mississippi Achievement School District school or district is located the number of students residing in the school district which are enrolled in that school or district.

(b) Whenever an increase in funding is requested by the school board for the support of schools within a particular school district absorbed into the Achievement School District, the State Board of Education and the superintendent for the Mississippi Achievement School District shall hold a public meeting in the

local municipality having jurisdiction of the absorbed school district to allow input of local residents on the matter, and subsequent to the conclusion of such meeting, the board of the Mississippi Achievement School District shall submit its request for ad valorem increase in dollars to the local governing authority having jurisdiction over the absorbed school district for approval of the request for increase in ad valorem tax effort. In a district in which a school or schools but not the entire district is absorbed into the Achievement School District, the local school district shall pay directly to the Mississippi Achievement School District an amount for each student enrolled in that school equal to the ad valorem tax receipts and in-lieu payments received per pupil for the support of the local school district in which the student resides. The pro rata ad valorem receipts and in-lieu receipts to be transferred to the Mississippi Achievement School District shall include all levies for the support of the local school district under Sections 37-57-1 (local contribution to the education funding program) and 37-57-105 (school district operational levy) and may not include any taxes levied for the retirement of the local school district's bonded indebtedness or short-term notes or any taxes levied for the support of vocational-technical education programs, unless the school or schools absorbed include a high school at which vocational-technical education programs are offered. In no event may the payment exceed the pro rata amount of the local ad valorem

payment to the education funding program under Section 37-57-1 for the school district in which the student resides. Payments made under this section by a school district to the Mississippi Achievement School District must be made before the expiration of three (3) business days after the funds are distributed to the local school district by the tax collector.

(c) If an entire school district is absorbed into the Achievement School District, the tax collector shall pay the amounts as described in paragraph (b) of this subsection, with the exception that all funds should transfer, including taxes levied for the retirement of the local school district's bonded indebtedness or short-term notes and any taxes levied for the support of vocational-technical education programs. The Mississippi Achievement School District shall pay funds raised to retire the district's debts to the appropriate creditors on behalf of the former district.

(9) (a) The State Department of Education shall make payments to the Mississippi Achievement School District for each student in average daily membership at a Mississippi Achievement School District school equal to the state share of the education funding program payments for each student in average daily attendance at the local school district or former local school district in which that school is located. In calculating the local contribution for purposes of determining the state share of the education funding program payments, the department shall

deduct the pro rata local contribution of the school district or former school district in which the student resides, to be determined as provided in Section 37-151-7(2)(a).

(b) Payments made pursuant to this subsection by the State Department of Education must be made at the same time and in the same manner as education funding program payments are made to all other school districts under Sections 37-151-101 and 37-151-103. Amounts payable to the Mississippi Achievement School District must be determined by the State Department of Education in the same manner that such amounts are calculated for all other school districts under the education funding program.


(10) The Mississippi Achievement School District shall be considered a local educational agency for the same purposes and to the same extent that all other school districts in the state are deemed local educational agencies under applicable federal laws.

(11) The Mississippi Achievement School District may receive donations or grants from any public or private source, including any federal funding that may be available to the school district or individual schools within the Mississippi Achievement School District.

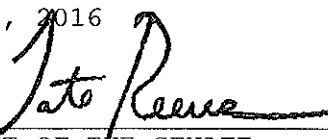
(12) The Legislature may appropriate sufficient funding to the State Department of Education for the 2017 fiscal year for the specific purpose of funding the start-up, operational and any other required costs of the Mississippi Achievement School District during the 2017-2018 school year.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2016.

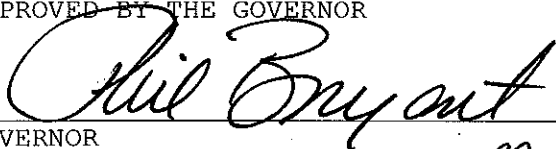
PASSED BY THE HOUSE OF REPRESENTATIVES
April 19, 2016


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 19, 2016


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

May 12, 2016
9:37 am